

\*\*\*EFILED\*\*\*

LexisNexis Transaction ID: 25178017

**GENERAL CIVIL CASE FILING INFORMATION FORM (NON-DOMESTIC)**

Mark Harper, Clerk

**COURT**☐ Superior☒ State

COUNTY FULTON

DATE FILED

DOCKET #

**PLAINTIFF(S)**Beck, Noah a Minor by his Parents and Next Friends  
Hillary Beck and Jordan Beck

Last	First	Middle I.	Suffix	Prefix	Maiden
Beck,	Hillary,				in her own right

Last	First	Middle I.	Suffix	Prefix	Maiden
Beck,	Jordan,				in his own right

Last	First	Middle I.	Suffix	Prefix	Maiden

Last	First	Middle I.	Suffix	Prefix	Maiden

No. of Plaintiffs 3

Plaintiff /Petitioner's Attorney

☒ Pro Se

Kaplan, Ronald I., Esq.

Last	First	Middle I.	Suffix

Bar # 407307

**DEFENDANT(S)**

Tenet Healthcare Corp. d/b/a N. Fulton Regional Hosp.

Last	First	Middle I.	Suffix	Prefix	Maiden
Tenet	Georgia, Ind.				d/b/a North Fulton Regional Hosp.

Last	First	Middle I.	Suffix	Prefix	Maiden
N. Fulton Med. Ctr.,Inc.					d/b/a N. Fulton Regional Hosp.

Last	First	Middle I.	Suffix	Prefix	Maiden
North Pointe Ob/Gyn Associates,					LLC

Last	First	Middle I.	Suffix	Prefix	Maiden

No. of Defendants 6 Total (See Page 2)

**Check Primary Type: (Check Only ONE)**☐ Contract / Account☐ Wills/ Estate☐ Real Property☐ Dispossessory / Distress☐ Personal Property☐ Equity☐ Habeas Corpus☐ Appeals /Reviews☐ Post Judgment Garnishment, Attachment  
or Other Relief☐ Non-Domestic Contempt☒ Tort (If Tort, fill in right column)☐ Other General Civil: Specify**If Tort Is Case Type: (Check No More Than TWO)**☐ Auto Accident☐ Premises Liability☒ Medical Malpractice☐ Other Professional Negligence☐ Product Liability☐ Other: SpecifyARE PUNITIVE DAMAGES PLEADED? ☐ Yes ☒ No

\*\*\*EFILED\*\*\*

LexisNexis Transaction ID: 25178017

Case 1:09-cv-01680-CAP Document 1-1 Filed 06/22/09

Mark Harper, Clerk

**GENERAL CIVIL CASE FILING INFORMATION FORM (NON-DOMESTIC)****COURT**☐ Superior☒ State

COUNTY Fulton

DATE FILED

DOCKET #

**PLAINTIFF(S)**Beck, Noah a Minor by his Parents and Next Friends  
Hillary Beck and Jordan Beck**DEFENDANT(S)**

Lambert, Sean J. M.D.

Last	First	Middle I.	Suffix	Prefix	Maiden
Beck,	Hillary,	in her own right			

Last	First	Middle I.	Suffix	Prefix	Maiden
Toufighian,	Emile Rose	CNM			

Last	First	Middle I.	Suffix	Prefix	Maiden
Beck,	Jordan,	in his own right			

Last	First	Middle I.	Suffix	Prefix	Maiden

Last	First	Middle I.	Suffix	Prefix	Maiden

Last	First	Middle I.	Suffix	Prefix	Maiden

Last	First	Middle I.	Suffix	Prefix	Maiden

Last	First	Middle I.	Suffix	Prefix	Maiden

No. of Plaintiffs 3

No. of Defendants 2

Plaintiff /Petitioner's Attorney

☐ Pro Se

Kaplan, Ronald I., Esq.

Last	First	Middle I.	Suffix

Bar # 407307

**Check Primary Type: (Check Only ONE)**☐ Contract / Account☐ Wills/ Estate☐ Real Property☐ Dispossessory / Distress☐ Personal Property☐ Equity☐ Habeas Corpus☐ Appeals /Reviews☐ Post Judgment Garnishment, Attachment  
or Other Relief☐ Non-Domestic Contempt☒ Tort (If Tort, fill in right column)☐ Other General Civil: Specify**If Tort Is Case Type: (Check No More Than TWO)**☐ Auto Accident☐ Premises Liability☒ Medical Malpractice☐ Other Professional Negligence☐ Product Liability☐ Other: SpecifyARE PUNITIVE DAMAGES PLEADED? ☐ Yes ☒ No

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GEORGIA, FULTON COUNTY

LexisNexis Transaction ID: 25178017  
DO NOT WRITE IN THIS SPACE Date: May 14 2009 12:07PM

Mark Harper, Clerk

## STATE COURT OF FULTON COUNTY

Civil Division

CIVIL ACTION FILE NO. \_\_\_\_\_

\*\*\* ATTORNEYS NOTE-- DESIGNATED E-FILED CASE \*\*\*\*

CONTACT THE COURT AT 404.730.5040 AND

LEXISNEXIS CUSTOMER SUPPORT AT 1.888.529.7587

TYPE OF SUIT	AMOUNT OF SUIT
<input type="checkbox"/> ACCOUNT	PRINCIPAL \$ _____
<input type="checkbox"/> CONTRACT	
<input type="checkbox"/> NOTE	INTEREST \$ _____
<input checked="" type="checkbox"/> TORT	
<input type="checkbox"/> PERSONAL INJURY	ATTY. FEES \$ _____
<input type="checkbox"/> FOREIGN JUDGMENT	
<input type="checkbox"/> TROVER	COURT COST \$ _____
<input type="checkbox"/> SPECIAL LIEN	
*****	
<input checked="" type="checkbox"/> NEW FILING	
<input type="checkbox"/> RE-FILING: PREVIOUS CASE NO. _____	

Hillary Beck and Jordan Beck7440 S. Blackhawk Street, Apt. 4305Englewood, Colorado 80112

Plaintiff's Name, Address, City, State, Zip Code

vs.

Sean J. Lambert, M.D.3400-C Old Milton Parkway, Suite 365Alpharetta, Georgia 30005

Defendant's Name, Address, City, State, Zip Code

**SUMMONS**

## TO THE ABOVE NAMED-DEFENDANT:

You are hereby required to file with the Clerk of said court and to serve a copy on the Plaintiff's Attorney, or on Plaintiff if no Attorney, to-wit:

Name: Ronald J. Kaplan, Esq.Kaplan & Lukowski, LLPAddress: 333 Sandy Springs Circle, Suite 200City, State, Zip Code: Atlanta, Georgia 30328Phone No.: 404-845-0012

An answer to the complaint which is herewith served on you, within thirty (30) days after service on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint, plus cost of this action. **DEFENSE MAY BE MADE & JURY TRIAL DEMANDED**, if desired, in the Clerk's Office at 185 Central Ave., S.W., Room TG100, Atlanta, GA 30303.

This \_\_\_\_\_

*Donna Jones-Frederick, Chief Deputy Clerk*

If the sum claimed in the suit, or value of the property sued for, is \$300.00 or more Principal, the defendant must admit or deny the paragraphs of plaintiff's petition by making written Answer. Such paragraphs undenied will be taken as true. If the plaintiff's petition is sworn to, or if suit is based on an unconditional contract in writing, then the defendant's answer must be sworn to.

If the principal sum claimed in the suit, or value of the property sued for, is less than \$300.00, and is on a note, unconditional contract, account sworn to, or the petition sworn to, defense must be made by filing a sworn answer setting up the facts relied on as a defense.

**SERVICE INFORMATION:**

Served, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
DEPUTY MARSHAL, STATE COURT OF FULTON COUNTY

## WRITE VERDICT HERE:

We, the jury, find for \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_. \_\_\_\_\_ Foreperson

(STAPLE TO FRONT OF COMPLAINT)

**IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA**

NOAH BECK, a Minor by his Parents and  
Next Friends, Hillary Beck and Jordan  
Beck, and HILLARY BECK, in her own  
right, and JORDAN BECK, in his own  
right,

Plaintiffs,

vs.

TENET HEALTHCARE CORPORATION,  
d/b/a NORTH FULTON REGIONAL  
HOSPITAL, and TENET GEORGIA, INC.,  
d/b/a NORTH FULTON REGIONAL  
HOSPITAL, and NORTH FULTON  
MEDICAL CENTER, INC., d/b/a NORTH  
FULTON REGIONAL HOSPITAL, and  
NORTH POINTE OB/GYN ASSOCIATES,  
LLC, and SEAN J. LAMBERT, M.D., and  
EMILE ROSE TOUFIGHIAN, CNM,

Defendants.

Civil Action No. \_\_\_\_\_

**COMPLAINT**

COME NOW the Plaintiffs, Noah Beck, a minor, by his parents and next friends,  
Hillary Beck and Jordan Beck, and Hillary Beck in her own right, and Jordan Beck in his  
own right, by and through their attorneys, to show to the Court the following case:

**PARTIES AND JURISDICTION**

1. Noah Beck, Hillary Beck, and Jordan Beck are residents of the State of  
Colorado, but at all times relevant to the facts stated below, all three were residents of  
the State of Georgia. At all times relevant hereto, Hillary Beck and Jordan Beck are  
and were the natural parents and guardians of their minor child, Noah Beck.

2. Defendants Tenet Healthcare Corporation, Inc., d/b/a North Fulton  
Regional Hospital, and Tenet Georgia, Inc., d/b/a North Fulton Regional Hospital, and

North Fulton Medical Center, Inc., d/b/a North Fulton Regional Hospital (all collectively and hereinafter referred to as “North Fulton Regional” or “the North Fulton Regional Defendants”) are corporations authorized to do business under the laws of the State of Georgia with a registered agent, CT Corporation System, 1201 Peachtree Street, N.W., Atlanta, Georgia 30361. As co-defendants, the North Fulton Regional Defendants may be served with process of this Court at the above address, own and/or operate a hospital located at 3000 Hospital Boulevard, Roswell, Georgia 30076, which conducts business under that name North Fulton Regional Hospital. At all relevant times, the health care providers rendering care to Hillary Beck and Noah Beck through the North Fulton Regional Defendants, including but not limited to the nurses and staff, were the authorized agents (actual and/or apparent), servants, and/or employees of the North Fulton Regional Defendants and acting within the scope of their agency and/or employment. Furthermore, at all times relevant, any individuals who participated in or should have participated in the promulgation, implementation and enforcement of policies and protocols that governed the provision of obstetrical care at North Fulton Regional, by physicians, nurse midwives, nurses or others, to Hillary Beck and Jordan Beck, did so in the capacity of an authorized actual and/or apparent agent of the North Fulton Regional Defendants. Said Defendants are subject to the jurisdiction and venue of this Court.

3. Defendant North Pointe OB/GYN Associates, LLC LLC (“hereinafter “North Pointe” or “Defendant North Pointe”) is a corporation authorized to do business under the laws of the State of Georgia with a registered agent, Garry E. Siegel, M.D., P.C., 1505 Northside Boulevard, Suite 3500, Cumming GA 30041. As a co-defendant,

North Pointe, may be served with process of this Court at the above address and/or owns and operates an obstetrics medical care facility located at 3400-C Old Milton Parkway, Suite 365, Alpharetta, Georgia 30005 (formerly located at 3500 Hospital Boulevard, Roswell, Georgia 30076). At all relevant times, the health care providers rendering care to Hillary Beck and Noah Beck through Defendant North Pointe, including but not limited to, the physicians, nurses, nurse midwives (such as Defendant Nurse Toufighian and Defendant Lambert), and staff, were the authorized agents (actual and/or apparent); servants, and/or employees of Defendant North Pointe, acting within the scope of their agency and/or employment. Furthermore, at all times relevant, any individuals who participated in or should have participated in the promulgation, implementation and enforcement of policies and protocols that governed the provision of obstetrical care on behalf of Defendant North Pointe, by physicians, nurse midwives, nurses or others, to Hillary Beck and Jordan Beck, did so in the capacity of an authorized actual and/or apparent agent of Defendant North Pointe. Said Defendant is subject to the jurisdiction and venue of this Court

4. Defendant Sean J. Lambert, M.D., (hereinafter “Dr. Lambert” or “Defendant Lambert”) is a resident of Georgia and acted individually and as the actual and/or apparent/ostensible agent, servant, and/or employee of Defendant North Point.

5. Defendant Emile Rose Toufighian, CNM, (hereinafter “Nurse Toufighian” or “Defendant Toufighian”) is a resident of Georgia and acted individually and as the actual and/or apparent/ostensible agent, servant, and/or employee of Defendant North Point.

6. During the times that each of the Defendants provided care to Plaintiffs Hillary Beck and Noah Beck, a healthcare provider-patient relationship existed.

### **STATEMENT OF FACTS**

7. On or about August 2006, Plaintiff Hillary Beck became pregnant for the first time. Upon initial examination at Heritage OB/GYN, her estimated date of delivery was given as May 15, 2007.

8. On or about January 17, 2007, Hillary's prenatal care was transferred to Defendant North Pointe.

9. Hillary Beck began the spontaneous onset of labor on the morning May 18, 2007 and was admitted to North Fulton Regional soon thereafter, at or about 9:11 a.m.

10. Throughout the day and into the night of May 18, 2007, and during the morning hours of May 19, 2007, Mrs. Beck had contractions of increasing frequency and intensity, often coming too frequently for fetal well-being. She was also experiencing periodic late decelerations and decreased variability, signs that the fetus was not tolerating the labor process. Several of these late decelerations were mentioned in the nurses' progress notes. Despite these warning signs, Defendant Lambert was not contacted by Defendant Toufighian or the nursing staff at North Fulton Regional in a timely fashion.

11. Mrs. Beck's membranes ruptured around 5:45 p.m. on May 18th. The amniotic fluid was meconium stained, which is an indication of fetal stress. At 8:45 p.m., an epidural was placed by anesthesiologist Kenneth Joel, M.D. After the epidural was in

place, Pitocin (a medication used to increase the strength and frequency of uterine contractions during labor) was started at a rate of 2 milliunits per minute.

12. Defendant Lambert's written order regarding Pitocin stated that the dosage could be increased, but that "if any sign of fetal distress or tetanic contractions, notify M.D., and discontinue infusion" and for oxygen to then be administered.

13. At approximately 11:00 p.m. on May 18th, Defendant Toufighian and/or the North Fulton Regional nursing staff doubled the dosage of Pitocin to 4 milliunits per minute. This increase in Pitocin took place despite the fact that Mrs. Beck's fetal monitor strips had exhibited periodic decelerations, decreased variability, poor tracing of the contractions, and repeated patterns of close contractions (uterine hypersystole). The nurses' progress note entry at 11:00 p.m. states "variable decels noted." Nonetheless, Dr. Lambert was not contacted about these worrisome findings, the Pitocin dosage was increased, and oxygen was not administered.

14. Presumably recognizing the signs on the fetal monitor strips, around 12:00 a.m. on the morning of May 19th, Nurse Toufighian and/or the North Fulton Regional Defendants' nursing staff lowered the Pitocin dosage back to 2 milliunits per minute. Still, Dr. Lambert was not contacted and oxygen was not administered.

15. By 4:00 a.m., Hillary's cervix had dilated to 9 centimeters.

16. The fetal monitor strips continued a pattern of recurrent prolonged decelerations. Despite the worsening heart patterns, no changes were made to the treatment and no cesarean delivery was planned. Defendant North Fulton Regional's nursing staff did not call Defendant Toufighian to evaluate Hillary's situation again until approximately 7:33 a.m. At this time, Nurse Toufighian put Mrs. Beck on 10 liters of



Oxygen per minute as a resuscitative measure for the fetus. However, the Pitocin level was not reduced and Dr. Lambert was not called to the room.

17. The signs of fetal intolerance of labor continued and worsened. Nurse Toufighian apparently left Hillary's bedside and, at 7:53 a.m., was again called to the room. At this point, Oxygen administration was increased to 20 liters per minute; however, the Pitocin level was not reduced, Dr. Lambert was still not called to the room, and no plans to perform a cesarean section were made.

18. Defendant Lambert was present on the unit at 9:30 a.m. His delivery summary states that when he arrived into the room, Mrs. Beck had been pushing for close to two hours and that "the fetal heart rate had been deteriorating for the last 45 minutes or so." Dr. Lambert's notes state that he allowed "two or three more pushes, however, with each successive push the return of the fetal heart rate was slower, and the deceleration was deeper, and they were clearly late." Dr. Lambert's delivery summary states that he then "recommended to the patient and her husband that delivery be accomplished in the next two or so contractions and that if delivery could not be accomplished in the next two contractions then we would be doing a cesarean section."

19. Noah Beck was born at or around 9:42 a.m. on May 19, 2007, through vacuum assisted vaginal delivery. At birth, he weighed 8 pounds, 14 ounces, was 52 centimeters in length, and had a normal head circumference of 35.5 centimeters. He was limp, not breathing, showed no response to stimulation, and was blue in color. Bag and mask ventilation was immediately initiated, and he was later placed on a ventilator. Out of a possible score of 10, Noah Beck had an Apgar score of 2 at one minute after being born.

20. Noah Beck's blood pH, taken from the umbilical cord minutes shortly after his birth, established a pH level of 6.764 (consistent with severe acidosis). He was administered sodium bicarbonate in an attempt to correct his acidosis.

21. Noah Beck's blood gasses in his first few hours of life showed severe hypoxia and metabolic acidosis. It was not until 1:20 p.m. that lab tests indicated a result close to normal.

22. The second Apgar score, taken five minutes after Noah Beck's birth, indicated he was still not breathing, moving, or showing any response to stimuli, and while his body was somewhat pink in color, his extremities were still blue. In later Agars recordings, he received a score of 3 at five minutes, 3 at ten minutes, 5 and fifteen minutes, and 8 at twenty minutes.

23. Almost immediately following his birth, Noah Beck was transferred to North Fulton Regional's neonatal intensive care unit. Here, Dr. Mohammed H. Al Rabbat oversaw his care.

24. Evaluations performed in the neonatal intensive care unit indicate that Noah Beck suffered from brain injury. Other lab function tests given shortly after birth indicate damage to his liver, kidneys, and other organs.

25. On the evening of May 19th, Noah Beck began to experience seizures consistent with brain injury and encephalopathy. At approximately 12:25 p.m. on May 20, 2007, Noah Beck was transferred to Scottish Rite Hospital. His diagnosis was hypoxic ischemic encephalopathy (brain damage due to lack of oxygen), perinatal depression, seizures, and respiratory distress.

26. Noah Beck was treated at Scottish Rite for approximately a week. He was discharged to home with a diagnosis of diffuse hypoxic ischemic encephalopathy (HIE). Today, as a result of HIE, he suffers from severe spastic quadriplegic cerebral palsy, microcephaly (small head), mental retardation, seizure disorder, feeding difficulties, and other severe and permanent injuries. His condition has required, and will continue to require, extensive and expensive medical, surgical, hospital, nursing, and custodial care, pharmaceuticals, equipment, transportation, housing, special education, and other forms of special needs, all of which would have been avoided had the Defendants not ignored the signs of his intolerance of labor and delivered him in a timely fashion.

27. Had Defendants adhered to the applicable standard of care, Mrs. Beck's labor and delivery would have been properly evaluated and appropriate measures would have been taken and the injuries and damages which Noah Beck sustained would have been avoided.

#### **LEGAL ENTITIES AND DUTIES**

28. Plaintiffs specifically re-allege Paragraphs 1-27 as if set forth fully herein.

29. Defendants, each of them, directly and through their actual and/or apparent/ostensible agents, servants, and/or employees, owed a duty to Plaintiffs to exercise that degree of reasonable care and skill exercised by like health care professionals of good standing under similar circumstances.

30. The North Fulton Regional Defendants are liable for the acts and omissions of their nurses and other health care providers, during their care and treatment of Hillary Beck and her fetus, under the doctrine of *respondeat superior* and apparent agency.

31. Defendant North Pointe is liable for the acts and omissions of Nurse Toufighian and Dr. Lambert, during their care and treatment of Hillary Beck and her fetus, under the doctrine of *respondeat superior* and apparent agency.

32. Contrary to the aforesaid duties owed by the Defendants, jointly and severally, the Defendants were negligent in their diagnosis, care, monitoring, response, and treatment of Hillary Beck and her fetus, and such negligence was the proximate cause of the injuries and damages sustained and sued for in this action.

33. The North Fulton Regional Defendants, Defendant North Pointe, Defendant Lambert, and Defendant Toufighian breached their respective duties to Hillary Beck and Noah Beck when they failed to exercise that degree of care and skill required by the medical profession generally under like and similar circumstances and thereby departed from the acceptable standard of care in their diagnosis, care, monitoring, response, and treatment as outlined in the following particulars, as well as in such other acts and omissions as may be determined through legal discovery and by the evidence in this action: a) failing to properly manage Hillary Beck's labor and delivery; b) failing to recognize and appropriately act upon signs of fetal intolerance to labor during Hillary Beck's labor and delivery; c) failing to take appropriate measures so as to avoid injury to her unborn fetus; d) failing to adequately and appropriately warn Hillary Beck of the dangers and risks to her unborn fetus; e) failing to deliver the baby, Noah Beck, in an appropriate and timely manner; f) failing to accomplish delivery by cesarean section so as to avoid injury to Noah Beck; g) failing to adequately train, supervise and monitor their respective actual and/or apparent agents and other employees; h) failing to access and appropriately utilize the chain of command within the hospital's hierarchy in order to

obtain appropriate care for mother and unborn fetus during the delivery process; i) failing to maintain adequate communication between health care providers; and j) failing in other ways to manage the condition of Hillary Beck and Noah Beck appropriately.

34. Further, the North Fulton Regional Defendants, Defendant North Pointe, and Defendant Toufighian breached their respective duties to Hillary Beck and Noah Beck when they failed to exercise that degree of care and skill required by the medical profession generally under like and similar circumstances and thereby departed from the acceptable standard of care by failing to provide timely notification to Dr. Lambert, or other medical doctor(s), regarding Hillary Beck's emergent situation.

35. The North Fulton Regional Defendants, Defendant North Pointe, and Defendant Lambert further failed to exercise that degree of care and skill required by the medical profession generally under like and similar circumstances and thereby departed from the acceptable standard of care by: a) failing to adequately train, supervise, and monitor Defendant Toufighian and other agents, servants and employees of Defendant North Pointe; b) failing to employ qualified health care providers; c) failing to adequately staff the hospital with competent health care providers; d) failing to adopt and/or enforce and/or implement rules, policies, protocols, and procedures to assure that Hillary Beck and Noah Beck, or patients like them, are treated appropriately and timely, generally and in particular with respect to the performance of duties during the labor and delivery process; e) failing to adequately ensure its agents, servants and employees, were familiar with, and had knowledge of, the procedures in accessing the chain of command when situations warrant it; and f) failing in other ways to manage Hillary Beck and Noah Beck's conditions appropriately.

**DAMAGES**

36. As a direct and proximate result of the aforesaid negligence of the Defendants as alleged herein, jointly and severally, the infant Plaintiff Noah Beck was caused to suffer a traumatic delivery, and to sustain severe, painful, permanent and disabling injuries, including, but not limited to:

- a) cerebral palsy, permanent and irreversible neurological injury;
- b) cognitive and motor dysfunction;
- c) speech and language difficulties;
- d) pain and mental anguish;
- e) diminished enjoyment and quality of life;
- f) seizure disorder; and
- g) loss of earnings and diminished earning capacity.

37. As a further direct and proximate result of the aforesaid negligence of the Defendants, who are joint tortfeasors, Noah Beck has required and will continue to require substantial medical, nursing, and related care; various types of therapies, such as physical, occupational, speech, rehabilitation, psychological and pharmaceutical; and other care including specialized devices, equipment, transportation and housing for which significant sums of money are being, have been, and will continue to be expended in the future.

38. Noah Beck, a minor, by his parents and next friends, Hillary Beck and Jordan Beck, sues for injuries to the person of Noah Beck, including his horrific pain and suffering, past, present, and future, general and special damages, including all damages alleged herein and which are otherwise allowed by law.

39. Plaintiff Hillary Beck sues for damages in her own right, including loss of services and consortium in connection with the injuries to her son, Noah Beck, loss of income, past and future medical expenses, directly incurred as a result of Noah Beck's injuries, and other general and special damages allowed by law, past, present and future, including all damages alleged herein and which are otherwise recoverable by law.

40. Plaintiff Jordan Beck sues for damages in his own right, including loss of services and consortium in connection with the injuries to his son, Noah Beck, loss of income, past and future medical expenses, directly incurred as a result of Noah Beck's injuries, and other general and special damages allowed by law, past, present and future, including all damages alleged herein and which are otherwise recoverable by law.

WHEREFORE, Plaintiffs demands judgment against the defendants for a sum in excess of Ten Thousand Dollars (\$10,000.00) for the injuries and damages alleged herein and request that they be compensated with a fair, adequate, and just award, plus costs.

This 14<sup>th</sup> day of May, 2009.

/s/ Jay D. Lukowski  
Jay D. Lukowski  
State Bar No.460799  
Ronald I. Kaplan  
State Bar No. 407307

Kaplan & Lukowski LLP  
333 Sandy Springs Circle, Suite 200  
Atlanta, Georgia 30328  
404-845-0012

\*\*\***EFILED**\*\*\*

LexisNexis Transaction ID: 25178017

Date: May 14 2009 12:07PM

Mark Harper, Clerk

IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA

NOAH BECK, a Minor by his Parents and  
Next Friends Hillary Beck and Jordan Beck,  
and HILLARY BECK, in her own right, and  
JORDAN BECK, in his own right,

Plaintiffs,

vs.

TENET HEALTHCARE CORPORATION,  
d/b/a NORTH FULTON REGIONAL  
HOSPITAL, and TENET GEORGIA, INC.,  
d/b/a NORTH FULTON REGIONAL  
HOSPITAL, and NORTH FULTON  
MEDICAL CENTER, INC., d/b/a NORTH  
FULTON REGIONAL HOSPITAL, and  
NORTH POINTE OB/GYN ASSOCIATES,  
LLC, and SEAN J. LAMBERT, M.D., and  
EMILE ROSE TOUFIGHLIAN, CNM,

Defendants.

Civil Action No. \_\_\_\_\_

AFFIDAVIT OF CERTIFYING EXPERT,

JEFFREY L. WENER, M.D.

---

**AFFIDAVIT OF JEFFREY WENER, M.D.**

Personally appeared before me the undersigned attesting officer, Jeffrey L.

Wener, M.D., who, being first duly sworn under oath, deposes and swears as follows:

1. My name is Jeffrey L. Wener, M.D.
2. I am of the age of majority and of sound mind and memory.
3. I give this Affidavit for use in the above-styled case in accordance with the requirements of the Official Code of Georgia, Sections 9-11-9.1 and 24-9-67.1.
4. This Affidavit is based upon my personal knowledge and my review of the medical records of Hillary Beck and Noah Beck from the following providers: Heritage OB/GYN (09/27/06-12/27/06); North Pointe OB/GYN (01/17/07-09/14/07); North



Fulton Regional Hospital (Labor & Delivery/ Birth Admission); Children's Healthcare of Atlanta at Scottish Rite (Transfer Admission); Child Neurology Associates, P.C. (July 2007) and Bradford Miller, M.D.

5. The opinions and conclusions contained within this Affidavit are based upon my education, training and experience as a licensed physician and medical doctor.

6. I am licensed to practice medicine in the State of Illinois and have been actively engaged in the practice and instruction of obstetrics from 1980 through the present day.

7. I specialize in the practice of Obstetrics, and am board certified in that specialty. Attached is a true and correct copy of my Curriculum Vitae.

8. Based on my education, training and experience as a medical doctor specializing in Obstetrics, I am knowledgeable concerning the standard of care required of health care providers, including physicians, nurse midwives and nurses, who render care to and treat obstetrical patients, such as those involved in the care and treatment of Hillary Beck and her fetus.

9. I have reviewed a copy of the Plaintiff's Complaint, the medical records included in the list in Paragraph 4 concerning Hillary Beck's prenatal care and labor and delivery in May, 2007, and the medical records included in the list in Paragraph 4 concerning the baby, Noah Beck, and my opinions include consideration of the listed records.

10. With regard to the above-named Defendants, the following sets forth at least one negligent act or omission by each said Defendant, which negligent act or omission was a proximate cause of injuries suffered by Noah Beck, including, but not

limited to, severe birth depression from intra-uterine asphyxia.

11. The applicable standard of care required that the Defendant, Sean Lambert, M.D., properly manage Hillary Beck's labor and delivery, which included, but was not limited to, oversight and management of Emile Rose Toufighian, RN, ensuring proper communication between Ms. Toufighian and himself and ensuring Ms. Toufighian was properly trained in recognizing and reporting signs of fetal intolerance to labor. The Defendant, Sean Lambert, M.D., failed to appropriately oversee Ms. Toufighian's management of Hillary Beck, failed to appropriately communicate with Ms. Toufighian and failed to ensure her competence in recognizing fetal intolerance of labor, all in violation of the applicable standard of care in the medical profession generally, under like and similar circumstances.

12. The violations of the standard of care on the part of Defendant, Sean Lambert, M.D., as set forth in the preceding paragraph, were a direct proximate cause of injuries sustained by Noah Beck. Had Defendant, Sean Lambert, M.D., properly managed Ms. Toufighian and Hillary Beck's labor and delivery, the injuries to Noah Beck would not have occurred.

13. The applicable standard of care required that the Defendant, Emile Rose Toufighian, RN, properly manage Hillary Beck's labor and delivery, which included, but was not limited to, examining her patient and the fetal monitor strips, correctly assessing the situation and timely arranging for operative intervention by her obstetrical back up. The Defendant, Emile Rose Toufighian, RN, inappropriately allowed Hillary Beck to continue to labor despite obvious signs of fetal intolerance to labor in violation of the applicable standard of care in the medical profession generally, under like and similar

circumstances.

14. The violations of the standard of care on the part of Defendant Emile Rose Toufighian, RN, as set forth in the preceding paragraph, were a direct proximate cause of injuries sustained by Noah Beck. Had Defendant, Emile Rose Toufighian, RN properly managed Hillary Beck's labor and delivery, the injuries to Noah Beck would not have occurred.

15. The applicable standard of care required that the nurses and doctors properly care for Hillary Beck and her fetus and properly manage Hillary Beck's labor and delivery, which included, but is not limited to, recognizing and appropriately acting upon the signs of fetal intolerance of labor that were demonstrated on the fetal monitor strips. Furthermore, the applicable standard of care required the aforementioned entities to develop, implement and ensure compliance with, appropriate policies and procedures to deliver safe care to Hillary Beck and her fetus during the labor and delivery process. The nurses and doctors failed to provide this appropriate care and develop and/or ensure compliance with appropriate policies and procedures in violation of the applicable standard of care in the medical profession generally, under like and similar circumstances.

16. The violations of the standard of care on the part of the nurses and doctors, as set forth in the preceding paragraph, were a direct and proximate cause of the injuries sustained by Noah Beck.

17. This Affidavit is meant only to express at least one negligent act or omission as to the above-named Defendants and is not to be construed as limiting my opinions regarding additional acts and omissions in this matter.

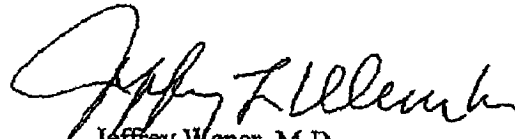
05/12/2009 12:42 FAX 1 847 J 2570

St Alexis Admin/MSO

0002/0002

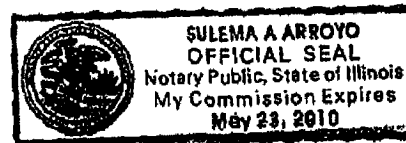
FURTHER THIS AFFLIANT SAYETH NOT.

This 12<sup>th</sup> day of May, 2009.

  
Jeffrey Wener, M.D.

Sworn to and subscribed before me  
this 12 day of May,  
2009.

  
Notary Public



# Exhibit 1

**CURRICULUM VITAE**

**JEFFREY L. WENER, M.D., F.A.C.O.G.**

**Northwest Associates for Women's Healthcare**  
**1786 Moon Lake Boulevard, Suite 207**  
**Hoffman Estates, IL 60194**  
**Phone: (847) 884-1800**  
**Fax: (847) 884-6768**

**1987 - present**                      **Private practice of Obstetrics, Gynecology & Infertility**  
**Hoffman Estates, IL**

**1984 - 1987**                        **Private practice of Obstetrics, Gynecology & Infertility**  
**Schaumburg, IL**

**1980 - 1984**                        **Private practice of Obstetrics, Gynecology & Infertility**  
**San Diego, CA**

**MEDICAL LICENSURE:**    **State of California**  
**License No. G-40991**

**State of Illinois**  
**License No. 36-55180**

**EDUCATION:**                      **Obstetrics and Gynecology Residency**  
**Michael Reese Hospital and Medical Center**  
**1976 - 1980**

**The Chicago Medical School**  
**1973 - 1976**  
**Degree: M.D.**

**University of Illinois**  
**1969 - 1973**  
**Degree: B.A.**

**JEFFREY L. WENER, M.D.**  
**Curriculum Vitae**  
**Page 2**

**HOSPITAL AFFILIATIONS:**

<b>1984 - Present</b>	<b>St. Alarius Medical Center</b> <b>Attending Staff - Active member</b>
<b>1993 - Present</b>	<b>Lutheran General Hospital</b> <b>High Risk Privileges</b>
<b>1984 - 1987</b>	<b>Lutheran General Hospital</b> <b>High Risk Privileges</b>
<b>1980 - 1984</b>	<b>Grossmont Community Hospital</b> <b>Attending Staff - Active member</b>
	<b>Alvarado Community Hospital</b> <b>Attending Staff - Active member</b>
	<b>University Hospital</b> <b>University of California</b> <b>San Diego, CA</b> <b>Clinical Instructor, Medical School</b>

**SOCIETIES:**

**Fellow - American College of Obstetrics & Gynecology**

**Diplomate - American Board of Obstetrics & Gynecology**

**Elected Member - San Diego Gynecological Society**

**Member - American Fertility Society**

**Member - American Association of Gynecologic Laparoscopists**

**Member - American Medical Association**

**Member - Chicago Medical Society**

**Member - Illinois State Medical Society**

**JEFFREY L. WENER, M.D.**  
**Curriculum Vitae**  
**Page 3**

**OFFICES HELD:**

Chairman - Department of Obstetrics & Gynecology  
St. Alexius Medical Center  
1555 N. Barrington Road  
Hoffman Estates, IL 60194  
1988 - 2008

Chairman - Quality Assurance Committee  
Hoffman Estates Medical Center  
Hoffman Estates, IL  
1989

Director of OB/GYN Emergency Room Residency Program  
St. Alexius Medical Center  
Hoffman Estates, IL  
1998 - Present

Quality Advisory Committee  
Blue Cross Blue Shield  
1996 - Present

**RECENT HONORS:**

Listed as "One of Chicago's Top Doctors, Chosen as  
Chicago's Best by Their Peers" in the January 2001 issue  
of Chicago Magazine

Chosen "Top Doctor in Chicago" by peers,  
Castle Connolly Guide, 2002

Chosen "Top Doctor in Chicago" by peers,  
Castle Connolly Guide, 2003

Listed as "One of Chicago's Top Doctors, Chosen as  
Chicago's Best by Their Peers" in the January 2006 issue  
of Chicago Magazine

**PERSONAL:**

Married with two children



\*\*\***EFILED**\*\*\*

LexisNexis Transaction ID: 25178017

Date: May 14 2009 12:07PM

Mark Harper, Clerk

IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA

NOAH BECK, a Minor by his Parents and  
Next Friends, Hillary Beck and Jordan  
Beck, and HILLARY BECK, in her own  
right, and JORDAN BECK, in his own  
right,

Plaintiffs,

vs.

TENET HEALTHCARE CORPORATION,  
d/b/a NORTH FULTON REGIONAL  
HOSPITAL, and TENET GEROGIA, INC.,  
d/b/a NORTH FULTON REGIONAL  
HOSPITAL, and NORTH FULTON  
MEDICAL CENTER, INC., d/b/a NORTH  
FULTON REGIONAL HOSPITAL, and  
NORTH POINTE OB/GYN ASSOCIATES,  
LLC, and SEAN J. LAMBERT, M.D., and  
EMILE ROSE TOUFIGHIAN, CNM,

Defendants.

Civil Action File No. \_\_\_\_\_

**AFFIDAVIT OF JUDY LYNN OSBORNE**

1. Judy Lynn Osborne, hereby swear and/or affirm and state as follows:

1. I am a certified nurse midwife with a current address of 1463 Headquarters  
Plantation Drive, Johns Island, South Carolina 29455.

2. A current version of my *curriculum vitae* is attached as *Exhibit I*.

3. I am currently, and since 1999, have been a Certified Nurse Midwife licensed to  
practice in the state of South Carolina. I have practiced continuously since that time.

4. Currently and at the time of the acts and/or omissions alleged to have occurred and  
to represent medical malpractice in May 2007, I had actual professional knowledge and  
experience in the field of nurse midwifery as a result of:

- a. Being in the active practice of midwifery for the past nine years, including at least three of the five years preceding the events at issue in this matter;
- b. Having established an appropriate level of knowledge as to the standards of care in midwifery to include issues involving, among others, the physical assessment of expectant mothers and their fetuses, interpretation of fetal heart monitors, when to call back-up physician help and signs of fetal intolerance to labor; and
- c. Having established an appropriate level of knowledge as to the proper protocols, methodologies and standards for evaluating, documenting, reporting and following up on physical assessment of expectant mothers and their fetuses, interpretation of fetal heart monitors, and signs of fetal intolerance of labor.

5. During at least three of the five years preceding the events at issue, I have supervised, taught, or instructed nurse midwives and students of nurse midwifery and have knowledge of the standards of care, including the physical assessment of expectant mothers and their fetuses, interpretation of fetal heart monitors, and signs of fetal intolerance of labor.

6. I have reviewed pertinent medical records and other documents in regard to the medical care rendered to Hillary Beck and Noah Beck by the attending physician, nurse midwife and staff of Heritage OB/GYN, North Point OB/GYN, and North Fulton Regional Hospital, including but not limited to the following:

Medical Records:

- Medical records from North Pointe OB GYN for Hillary Beck
- Medical records from Heritage OB/GYN for Hillary Beck
- Medical records from North Fulton Regional Hospital for Hillary Beck and Noah Beck
- Medical records from Children's Healthcare of Atlanta at Scottish Rite
- Medical records from Bradford Miller, M.D. and The Children's Hospital

7. The records indicate that for several hours before Noah Beck's birth, the nursing staff noted recurrent prolonged decelerations, loss of variability, poor tracing of the contractions, and the presence of meconium, all of which are indications of fetal intolerance of labor. The Certified Nurse Midwife was aware of these issues, and the standard of care required that steps be taken to ensure the safety of the mother and unborn child, including, but not limited to: (1) immediate notification to the attending physician(s) of the fetal intolerance of labor so that prompt care could be given and a caesarean could be elected; (2) cessation of Pitocin administration; (3) initiations of intrauterine resuscitative measures; and (4) informed consent to the parents of the unborn child to enable them to make informed decisions about the care provided.

8. Based upon my review of these materials and on my research, training and experience in the field of nurse midwifery, it is my professional opinion that the applicable standard of care was breached by the nurse midwife, Emily Toufighian, in at least the following ways:

- a. Failing to recognize and/or properly react and respond to signs of fetal intolerance to labor;
- b. Failing to appropriately explain to Mrs. Beck the dangers posed to her unborn child; and
- c. In such other and further particulars as evidence disclosed in discovery and trial may show.

9. It is my opinion the aforesaid breaches of the applicable standard of care proximately resulted in the delayed delivery of the infant Noah Beck, which caused his severe birth depression.

10. The bases for these opinions include my knowledge, training and experience and my review of the medical information of Hillary Beck and Noah Beck.

11. The opinions expressed above are some of the opinions I formed based upon materials available to me at the time I performed my review of this matter.

12. This Affidavit is meant only to express at least one negligent act or omission as to the above-named Defendants and is not to be construed as limiting my opinions regarding additional acts and omissions in this matter.

And further this AFFIANT sayeth naught.

  
Judy L. Osborne, CNM, MSN

WITNESS my hand and notarial seal or stamp, this the 13 day of May, 2009.

  
Notary Public of South Carolina

My Commission Expires: Nov. 17, 2014

# Exhibit 1

**Judy Ann Osborne, CNM, MSN**  
**1463 Headquarters**  
**Plantation Drive**  
**Johns Island, SC 29455**

**Education**

1998	Medical University of South Carolina, Charleston, South Carolina Post Master's Midwifery Certificate
1994	University of Virginia, Charlottesville, Virginia Master of Science in Nursing Critical Care with a focus in High Risk Obstetrics
1992	University of Virginia, Charlottesville, Virginia Bachelor of Science in Nursing
1982	University of Alaska, Anchorage Alaska Associate Degree in Nursing

**Experience**

2008 - present	Charleston Birth Place, North Charleston, South Carolina Certified Nurse Midwife
2002 - 2008	Low Country Women's Specialists, Charleston, South Carolina Certified Nurse Midwife
2000 - 2001	Charleston Women's Wellness Center, North Charleston, South Carolina Certified Nurse Midwife
1999 - 2000	Carolina Women's Care, Summerville, South Carolina Certified Nurse Midwife
1997 - 1999	Trident Regional Medical Center, Charleston, South Carolina Registered Nurse, Labor and Delivery Part-time position in a Level II L&D while attending Midwifery school.
1996 - 1997	Virginia Baptist Hospital, Lynchburg, Virginia Perinatal Clinical Nurse Specialist Position included clinical, administrative, & education roles
1985 - 1997	Carilion Health Services, Roanoke, Virginia Registered Nurse:      Two years Cardiac Care Unit Eight years Labor & Delivery Two years Nursing Administration Obstetric experience was full-time, 4 years in a level III Labor and Delivery, Community Hospital of Roanoke Valley, and 4 years in a Level II Obstetric Unit (L&D, PP, Nsy) facility, Lonesome Pine Hospital.

Lee County Community Hospital, Pennington Gap, Virginia  
Registered Nurse, Intensive Care Unit & Emergency Room

1983 - 1984

Clarksville Memorial Hospital-Clarksville, Tennessee  
Registered Nurse, Orthopedics, Urology, and Progressive Care

1982 - 1983

Nakoyia Health Care Center, Anchorage, Alaska  
Registered Nurse, Skilled Nursing Care Unit

### **Certifications/Special Training**

1982 - present	Basic Life Support	American Heart Association
1988 - present	Advanced Cardiac Life Support	
1993 - present	Neonatal Resuscitation Program	
1990 - present	Certified Inpatient Obstetrics	National Certification Corporation
1993 - present	Certified Perinatal Grief Counselor	RTS Organization
1993 - present	High Risk and Critical Care Obstetrics	Vanderbilt University & University of Texas Medical Branch
1996 - 1997	PICC Line Insertion	The IV Institute & Virginia Baptist Hospital's PICC Program

### **Professional Membership**

1995 – present Association of Women's Health, Obstetric, and Neonatal Nurses  
1997 – present Sigma Theta Tau International Honor Society for Nurses  
1997 - present American College of Nurse Midwives

### **References**

Dr. Christopher Accetta  
Low Country Women's Specialists  
9291 Medical Plaza Drive  
North Charleston, SC 29406  
(843) 797-3664

Lee Horton, CNM  
Director of Nurse Midwifery Program  
Medical University of South Carolina  
99 Jonathan Lucas Street  
Charleston, SC 29401  
(843) 792-2521

Additional references available upon request

\*\*\***EFILED**\*\*\*

LexisNexis Transaction ID: 25178017

Date: May 14 2009 12:07PM

Mark Harper, Clerk

IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA

NOAH BECK, a Minor by his Parents and  
Next Friends, Hillary Beck and Jordan  
Beck, and HILLARY BECK, in her own  
right, and JORDAN BECK, in his own  
right,

Plaintiffs,

vs.

TENET HEALTHCARE CORPORATION,  
d/b/a NORTH FULTON REGIONAL  
HOSPITAL, and TENET GEORGIA, INC.  
d/b/a NORTH FULTON REGIONAL  
HOSPITAL, and NORTH FULTON  
MEDICAL CENTER, INC., d/b/a NORTH  
FULTON REGIONAL HOSPITAL, and  
NORTH POINTE OB/GYN ASSOCIATES,  
LLC, and SEAN J. LAMBERT, M.D., and  
EMILE ROSE TOUFIGHIAN, CNM,

Defendants.

Civil Action No. \_\_\_\_\_

**AFFIDAVIT OF GAYLE M. HUELSMANN**

I, Gayle M. Hueismann, hereby swear and/or affirm and state as follows:

1. I am a licensed registered nurse with a current address of 9500 Montgomery NE,  
Albuquerque, New Mexico 87111.

2. A current version of my *curriculum vitae* is attached as Exhibit 1.

3. At the time of the acts and/or omissions alleged to have occurred and to represent  
medical malpractice in May 2007:

a. I was a licensed registered nurse with an active nursing license in the state of  
New Mexico. I was working (and still currently work) as a labor and delivery  
nurse at Presbyterian Hospital in Albuquerque, New Mexico.



- b. During at least three of the five years preceding the events at issue, I had been continuously working as a labor and delivery nurse and had supervised, taught, and instructed nurses and nursing students.
- c. I had actual professional knowledge and experience in the field of nursing as a result of:
  - i. Being in the active practice of nursing for over two decades, including at least three of the five years preceding the events at issue in this matter and
  - ii. Having established an appropriate level of knowledge as to the standards of care in nursing, particularly those relating to labor and delivery.

4. That I have reviewed pertinent medical records and other documents in regard to the medical care rendered to Hillary Beck and Noah Beck and the attending physicians and staff of Heritage OB/GYN, North Point OB/GYN, and North Fulton Regional Hospital, including but not limited to the following:

Medical Records:

- Medical records from North Pointe OB GYN for Hillary Beck
- Medical records from Heritage OB/GYN for Hillary Beck
- Medical records from North Fulton Regional Hospital for Hillary Beck and Noah Beck
- Medical records from Children's Healthcare of Atlanta at Scottish Rite
- Medical records from Bradford Miller, M.D. and The Children's Hospital

5. As indicated in the medical records, for several hours the nursing staff noted recurrent prolonged decelerations, loss of variability, poor tracing of the contractions, and the presence of meconium, all of which are indications of fetal stress. The standard of care required that steps be taken to ensure the safety of the mother and unborn child, including, but not limited

to: (1) immediate notification to the attending physician(s) of the fetal stress so that prompt care could be given and a caesarean could be elected; (2) cessation of Pitocin administration; (3) initiations of intrauterine resuscitative measures; and (4) informed consent to the parents of the unborn child to enable them to make informed decisions about the care provided.

6. It is my opinion that the nursing staff:
  - a. Failed to recognize and/or properly react and respond to signs of fetal stress;
  - b. Failed to properly report evidence of fetal stress to a physician and/or otherwise go up the chain of command; and
  - c. Failed to explain appropriately to Mrs. Beck the dangers posed to her unborn child.

7. Based upon my review of these materials and on my research, training and experience in the field of nursing, it is my professional opinion that at least one negligent act or omission by the nurses attending Hillary Beck's labor and delivery was the proximate cause of injuries suffered by Noah Beck, including, but not limited to, severe birth depression as a result of delayed delivery. It is my opinion the aforesaid breaches of the applicable standard of care proximately resulted in the delayed delivery and birth depression of the infant Noah Beck.

8. That basis for these opinions include my knowledge, training, experience and my review of the medical information of Hillary Beck and Noah Beck.

9. That the opinions expressed above are some, not all, of the opinions I formed based upon materials available to me at the time I performed my review of this matter. This affidavit is meant only to express at least one negligent act or omission as to the above-named Defendants and is not to be construed as limiting my opinions regarding additional acts and omissions in this matter.

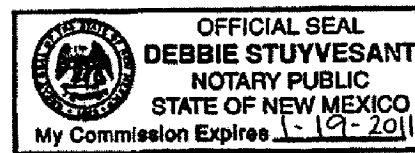
And further this AFFIANT sayeth naught.

Gayle M. Huelsmann  
Gayle M. Huelsmann, BSN, RNC

WITNESS my hand and notarial seal or stamp, this the 13 day of May, 2009.

Debbie Stuyvesant  
Notary Public of New Mexico

My Commission Expires: 1-19-2011



# Exhibit 1

Gayle M. Huelsmann, BSN, RNC  
9500 Montgomery NE, Suite 208  
Albuquerque, NM 87111  
(505)-294-2600

### **Curriculum Vitae**

#### **License**

Currently hold a New Mexico Registered Nurse License

#### **Education**

1987 – 1989	University of New Mexico Albuquerque, New Mexico Bachelor of Science in Nursing
1985 – 1986	University of Albuquerque Albuquerque, New Mexico Associate Degree in Nursing
1979 – 1980	Technical/Vocational Institute Albuquerque, New Mexico Licensed Practical Nurse Diploma
1970 – 1972	Eastern New Mexico University Portales, New Mexico Associate of Science Degree Medical Secretary

Gayle M. Huelsmann, BSN, RNC  
9500 Montgomery NE, Suite 208  
Albuquerque, NM 87111  
(505) 294-2600

**Work Experience**

2004 – present	Learning Resources International, Inc. Perinatal Consultant
1991 – present	New Mexico Lifeguard Air Transport Presbyterian and UNM Hospitals Albuquerque, New Mexico Maternal Air Transport Nurse Fixed Wing and Rotor Wing
1984 – present	Presbyterian Hospital Albuquerque, New Mexico Registered Nurse working in Women's and Children's Health, with four years of charge nurse experience Currently, working in Family Birthing Center as a staff RN
1980 – 1984	Presbyterian Hospital Albuquerque, New Mexico L.P.N. in Women's and Children's Health
1972 – 1979	Presbyterian Hospital Albuquerque, New Mexico Clinical Laboratory Office Manager and Medical Transcriber

**Related Experience and Certifications**

IV Certified  
Basic Life Support Certified  
Advanced Life Support Certified  
Neonatal Resuscitation Provider Certified  
Registered Nurse Inpatient Obstetrical Nursing Certified (NCC)  
Electronic Fetal Monitoring (NCC and AWHONN)  
Fetal Monitoring Certified (Murray)

Gayle M. Huelsmann, BSN, RNC  
9500 Montgomery NE, Ste 208  
Albuquerque, NM 87111  
(505) 294-2600

**Related Experience and Certifications continued**

S.T.A.B.L.E. Program Certified

AWHONN Fetal Heart Monitor Principles and Practice Designated Instructor

AWHONN Advanced Fetal Heart Monitor Designated Instructor

Instructor, High Risk Obstetrics  
Emergency Medical Service Academy  
University of New Mexico

Instructor, High Risk Obstetrics  
Central New Mexico Community College  
Paramedic Program

Instructor, Maternal Air Transport/NM Lifeguard Air Transport

Education Resource Nurse  
Presbyterian Hospital Family Birthing Center

Private Pilot, Single Engine Land

**Professional Activities**

2006	Reviewer, New Mexico State Board of Nursing
2005	Member, AWHONN President's Circle
2004	Secretary/Treasurer, Association of Women's Health, Obstetric & Neonatal Nurses, Albuquerque Chapter
2004	Member, Obstetric Care Evaluation Team Presbyterian Hospital
2002	PRIDE Nurse Award, Presbyterian Hospital
2000	Member, Critical Care Obstetrics Team, Presbyterian Hospital

- 1995        Member, Association of Women's Health  
              Obstetrics and Neonatal Nurses
- 1995        Member, Education Research Council  
              Presbyterian Hospital
- 1991        Member, Maternal Air Transport Team  
              Presbyterian Hospital

### **Publications**

Murray, M.L., Huelsmann, G.M., & Romo, T.K. (2006) *Essentials of Fetal Monitoring (3<sup>rd</sup> ed.)*. Albuquerque, N.M.: Springer Publishing Co.

Murray, M.L., & Huelsmann, G. (2007) Perinatal morbidity and mortality. Root causes and common themes in labor and delivery litigation. *The Journal of Legal Nurse Consulting*, 18(4), 13-18..

Murray, M. L., & Huelsmann, G. M. (2008) Uterine Hyperstimulation: Physiologic and Pharmacologic Causes with Results from a Survey of 1000 Nurses.

Murray, M.L., Huelsmann, G.M. (2008) *Labor and Delivery Nursing: A Guide to Evidence-Based Practice*. Albuquerque, N.M.: Springer Publishing Co.

Murray, M. L., Huelsmann, G. M., & Mahlmeister, L. (2009). 2008 NICHD report a disappointment [Letter to the editor]. *JOGNN*, 38(1), 4-5.



RTN 3/12

**STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA**

**State Court of Fulton County**  
**\*\*\*FILED\*\*\***  
**DO NOT WRITE IN THIS SPACE**  
 LexisNexis Transaction ID: 25694976  
 Date: May 22 2009 12:53PM  
 Mark Harper, Clerk

2009 EV007362C

Ronald I. Kaplan, Esq.

Kaplan &amp; Lukowski, LLP

333 Sandy Springs Circle, Suite 200

Atlanta, Georgia 30328

Attorney or Plaintiff Name and Address

Hillary Beck and Jordan Beck

7440 S. Blackhawk Street, Apt. 4305

Englewood, Colorado 80112

Name and Address of PLAINTIFF

Sean J. Lambert, M.D.

3400-C Old Milton Parkway, Suite 365

Alpharetta, Georgia 30005

Name and Address of DEFENDANT

## MARSHAL'S ENTRY OF SERVICE

<b>PERSONAL</b>	GEORGIA, FULTON COUNTY I have this day served the defendant(s) <u>DR. SEAN J. LAMBERT, M.D.</u> personally with a copy of the within action and summons. This <u>22</u> day of <u>MAY</u> , <u>09</u> . <u>APR 20</u> DEPUTY MARSHAL
<b>NOTORIOUS</b>	GEORGIA, FULTON COUNTY I have this day served the defendant(s) _____ by leaving a copy of the action and summons at his/their most notorious place of abode in said County. Delivered same in hands of _____, a _____ described as follows: Age, about _____ years; weight, about _____ lbs; height, about _____ ft. _____ in., domiciled at the residence of the defendant(s). This _____ day of _____, _____ DEPUTY MARSHAL
<b>CORPORATION</b>	GEORGIA, FULTON COUNTY Served the defendant _____, a corporation, by leaving a copy of the within action and summons with _____ in charge of the office and place doing business of said corporation, in Fulton County, Georgia. This _____ day of _____, _____ DEPUTY MARSHAL
<b>BETTER ADDRESS</b>	GEORGIA, FULTON COUNTY Diligent search made and the defendant(s): _____ not to be found in the jurisdiction of said Court for the following reason: _____
<b>NON-EST</b>	Please furnish this office with a new service form with the correct address. _____ This _____ day of _____, _____ DEPUTY MARSHAL

\*\*\*EFILED\*\*\*

Civil Action No. 2009 EV 007362C

LexisNexis Transaction ID: 25363251

State Court

Date: May 27 2009 1:15PM

GEORGIA,

Fulton  
CountyMark Harper, Clerk  
COUNTY

Attorney's Address Ronald I. Kaplan, Esq.  
Kaplan & Lukowski, LLP  
333 Sandy Springs Circle, Suite 200  
Atlanta, Georgia 30328

Noah Beck, a Minor by his Parents and Next  
Friends Hillary Beck and Jordan Beck, and  
Hillary Beck, in her own right, and Jordan  
Beck, in his own right,

Plaintiff s

VS.

Tenet Healthcare Corporation, d/b/a North  
Fulton Regional Hospital, and Tenet Georgia  
Inc., d/b/a North Fulton Regional Hospital,  
and North Fulton Medical Center, Inc., d/b/a  
North Fulton Regional Hospital, and North  
Pointe Ob/Gyn Associates, LLC, Defendants  
and Sean J. Lambert, M.D., and Emile Rose  
Toufghian, CNM,

## Name and Address of Party to be Served

North Pointe OB/GYN Associates  
c/o Registered Agent: Gary E. Siegel, M.D., P.C.  
1505 Northside Blvd., Suite 3500  
Cumming, Georgia 30041

## SHERIFF'S ENTRY OF SERVICE

☐ I have this day served personally with a copy  
of the within action and summons.

☐ I have this day served by leaving  
a copy of the action and summons at his most notorious place of abode in this County.

☐ Delivered same into hands of described as follows  
age, about years; weight, about pounds; height, about feet and inches, domiciled  
at the residence of defendant.

☒ Served North Pointe OB/GYN ASSOC. a corporation  
by leaving a copy of the within action and summons with GARY E SIEGEL  
in charge of the office and place of doing business of said Corporation in this County.

☐ I have this day served the above affidavit and summons on the defendant(s)/Party by posting a copy of the same to the  
door of the premises designated in said affidavit and on the same day of such posting by depositing a true copy of same  
in the United States Mail, First Class in an envelope properly addressed to the defendant(s)/Party at the address shown in  
said summons, with adequate postage affixed thereon containing notice to the defendant(s)/Party to answer said  
summons at the place stated in the summons.

☐ Diligent search made and  
not to be found in the jurisdiction of this Court.

## THE DEFENDANT/PARTY IS REQUIRED TO:

answer a Proceeding Against Tenant Holding Over on or before the \_\_\_\_\_ day of \_\_\_\_\_  
20 \_\_\_\_\_ at the hour and place stated in the summons.

This 21 day of May

20 09

CPL Justice  
DEPUTY

6088X COUNTY, GEORGIA  
FORSYTH

\*\*\*EFILED\*\*\*

DO NOT WRITE IN THIS SPACE

LexisNexis Transaction ID: 25578916

Date: May 19 2009 10:52AM

Mark Harper, Clerk

STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA

Ronald I. Kaplan, Esq.

Kaplan &amp; Lukowski, LLP

333 Sandy Springs Circle, Suite 200

Atlanta, Georgia 30328

Attorney or Plaintiff Name and Address

Hillary Beck and Jordan Beck

7440 S. Blackhawk Street, Apt. 4305

Englewood, Colorado 80112

Name and Address of PLAINTIFF

vs

Tenet Georgia, Inc. d/b/a North Fulton

Regional Hospital

c/o Registered Agent: CT Corporation System  
1201 Peachtree Street, N.W., Atlanta, Georgia

Name and Address of DEFENDANT

30361

## MARSHAL'S ENTRY OF SERVICE

PERSONAL	GEORGIA, FULTON COUNTY
	I have this day served the defendant(s) _____ personally with a copy of the within action and summons. This _____ day of _____, _____, _____ DEPUTY MARSHAL
NOTORIOUS	GEORGIA, FULTON COUNTY
	I have this day served the defendant(s) _____ by leaving a copy of the action and summons at his/their most notorious place of abode in said County. Delivered same in hands of _____, a _____ described as follows: Age, about _____ years; weight, about _____ lbs; height, about _____ ft. _____ in., domiciled at the residence of the defendant(s). This _____ day of _____, _____ DEPUTY MARSHAL
CORPORATION	GEORGIA, FULTON COUNTY
	Served the defendant <u>TENET GEORGIA, INC. D/B/A NORTH FULTON REGIONAL HOSPITAL</u> , a corporation, by leaving a copy of the within action and summons with <u>C.T. COPP c/o Lynn McDonald</u> (P/S) in charge of the office and place doing business of said corporation, in Fulton County, Georgia. This <u>19th</u> day of <u>May</u> , <u>2009</u> DEPUTY MARSHAL
BETTER ADDRESS	GEORGIA, FULTON COUNTY
	Diligent search made and the defendant(s): not to be found in the jurisdiction of said Court for the following reason:
NON-EST	Please furnish this office with a new service form with the correct address.
	This _____ day of _____, _____ DEPUTY MARSHAL

**STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA**

**State Court of Fulton County**  
**DO NOT WRITE IN THESE SPACES \***

LexisNexis Transaction ID: 25578274

Date: May 19 2009 10:37AM

Mark Harper, Clerk

Ronald I. Kaplan, Esq.
Kaplan & Lukowski, LLP
333 Sandy Springs Circle, Suite 200
Atlanta, Georgia 30328

2009 EV007362 C

Attorney or Plaintiff Name and Address

Hillary Beck and Jordan Beck  
7440 S. Blackhawk Street, Apt. 4305  
Englewood, Colorado 80112  
 Name and Address of PLAINTIFF

North Fulton Medical Center, Inc. d/b/a North  
Fulton Regional Hospital  
 vs c/o Registered Agent: CT Corporation System  
1201 Peachtree Street, N.W., Atlanta, Georgia  
30361  
 Name and Address of DEFENDANT

## MARSHAL'S ENTRY OF SERVICE

PERSONAL	GEORGIA, FULTON COUNTY I have this day served the defendant(s) _____ _____ personally with a copy of the within action and summons. This _____ day of _____, _____ DEPUTY MARSHAL
	GEORGIA, FULTON COUNTY I have this day served the defendant(s) _____ by leaving a copy of the action and summons at his/their most notorious place of abode in said County. Delivered same in hands of _____, a _____ _____ described as follows: Age, about _____ years; weight, about _____ lbs; height, about _____ ft. _____ in., domiciled at the residence of the defendant(s). This _____ day of _____, _____ DEPUTY MARSHAL
CORPORATION	GEORGIA, FULTON COUNTY Served the defendant <u>NORTH FULTON MEDICAL CENTER, INC. d/b/a NORTH FULTON REGIONAL HOSPITAL</u> , a corporation, by leaving a copy of the within action and summons with <u>C. T. CERP C/O Lynn McDonald</u> (RA) in charge of the office and place doing business of said corporation, in Fulton County, Georgia. This <u>19th</u> day of <u>MAY</u> , <u>2009</u> , <u>11/11/09</u> DEPUTY MARSHAL
BETTER ADDRESS	GEORGIA, FULTON COUNTY Diligent search made and the defendant(s): _____ not to be found in the jurisdiction of said Court for the following reason: _____ Please furnish this office with a new service form with the correct address. This _____ day of _____, _____ DEPUTY MARSHAL
NON-EST	GEORGIA, FULTON COUNTY Diligent search made and the defendant(s): _____ not to be found in the jurisdiction of said Court for the following reason: _____ Please furnish this office with a new service form with the correct address. This _____ day of _____, _____ DEPUTY MARSHAL

**IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA**

NOAH BECK, a minor by his parents and next )  
friends, Hillary Beck and Jordan Beck, and )  
HILLARY BECK, in her own right and )  
JORDAN BECK, in his own right, )  
) )  
Plaintiffs, )

v. )

CIVIL ACTION  
FILE NO.: 2009EV007362C

TENET HEALTHCARE CORPORATION, )  
d/b/a NORTH FULTON REGIONAL )  
HOSPITAL, and TENET GEORGIA, INC., )  
d/b/a NORTH FULTON REGIONAL )  
HOSPITAL, and NORTH FULTON )  
MEDICAL CENTER, INC. d/b/a NORTH )  
FULTON REGIONAL HOSPITAL and )  
NORTH POINTE OB/GYN ASSOCIATES, )  
LLC and SEAN J. LAMBERT, M.D. and )  
EMILE ROSE TOUFIGHIAN, CNM )  
) )  
Defendants. )

**STIPULATION EXTENDING DEFENDANTS TENET HEALTHCARE  
CORPORATION, D/B/A NORTH FULTON REGIONAL HOSPITAL; TENET  
GEORGIA, INC., D/B/A NORTH FULTON REGIONAL HOSPITAL; AND  
NORTH FULTON MEDICAL CENTER, INC., D/B/A NORTH FULTON  
REGIONAL HOSPITAL'S TIME TO RESPOND TO PLAINTIFFS'  
COMPLAINT**

Plaintiff and Defendants Tenet Healthcare Corporation, d/b/a North Fulton  
Regional Hospital; Tenet Georgia, Inc., d/b/a North Fulton Regional Hospital; and North  
Fulton Medical Center, Inc., d/b/a North Fulton Regional Hospital by and through their  
respective counsel of record, jointly stipulate to this Court that the time within which  
Defendants Tenet Healthcare Corporation, d/b/a North Fulton Regional Hospital; Tenet  
Georgia, Inc., d/b/a North Fulton Regional Hospital; and North Fulton Medical Center,

Inc., d/b/a North Fulton Regional Hospital have to answer, object or otherwise respond to Plaintiff's Complaint is hereby extended until July 7, 2009.

**PREPARED BY:**

/s/ Brian K. Mathis  
KEVIN P. RACE  
Georgia Bar No. 591590  
BRIAN K. MATHIS  
Georgia Bar No. 477026  
Attorneys for Defendants  
Tenet Healthcare Corporation,  
d/b/a North Fulton Regional Hospital;  
Tenet Georgia Inc.,  
d/b/a North Fulton Regional Hospital;  
and North Fulton Medical Center, Inc.,  
d/b/a North Fulton Regional Hospital

INSLEY & RACE, LLC  
The Mayfair Royal  
181 14<sup>th</sup> Street, NE  
Suite 200  
Atlanta, Georgia 30309  
(404) 876-9818

**CONSENTED TO BY:**

/s/ Jay D. Lukowski /s/bkm  
Jay D. Lukowski, Esq.  
(with expressed permission)  
Georgia Bar No. 460799  
Attorney for Plaintiff

Jay D. Lukowski, Esq.  
Kaplan & Lukowski, LLP  
333 Sandy Springs Circle  
Suite 200  
Atlanta, GA 30328

\*\*\***EFILED**\*\*\*

LexisNexis Transaction ID: 25745364

Date: Jun 19 2009 4:30PM

Mark Harper, Clerk

**IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA**

NOAH BECK, a Minor by his Parents and )  
next Friends, Hillary Beck and Jordan Beck; )  
and HILLARY BECK, in her own right; )  
and JORDAN BECK, in his own right, )

Civil Action No. 2009EV007362C

Plaintiffs, )

vs. )

TENET HEALTHCARE CORPORATION; )  
d/b/a NORTH FULTON REGIONAL )  
HOSPITAL; and TENET GEORGIA, INC. )  
d/b/a NORTH FULTON REGIONAL )  
HOSPITAL; and NORTH FULTON )  
MEDICAL CENTER, INC., d/b/a NORTH )  
FULTON REGIONAL; and NORTH )  
POINTE OB/GYN ASSOCIATES, LLC; )  
and SEAN J. LAMBERT, M.D., and )  
EMILIE ROSE TOUFIGHIAN, CNM, )

Defendants. )

**MOTION FOR ADMISSION *PRO HAC VICE*  
OF KENNETH M. SUGGS**

COMES NOW Jay D. Lukowski, a counsel of record in the above-referenced matter, and moves this Court that Kenneth M. Suggs be admitted to the Bar of Fulton County, State of Georgia, *pro hac vice* for the purposes of the above-captioned matter. Kenneth M. Suggs is a member of Janet, Jenner & Suggs, LLC, with his principal address at 500 Taylor Street, Suite 301, Columbia, South Carolina 29201, (803) 726-0050, and is a member in good standing with the South Carolina Bar. Pursuant to the Rules of this Court, attached is a Certificate of Good Standing on behalf of Mr. Suggs from the highest court in South Carolina, the Supreme Court of South Carolina.

This 19<sup>th</sup> day of June, 2009

Respectfully submitted,

/s/ Jay D. Lukowski

Jay D. Lukowski

State Bar No.: 460799

KAPLAN & LUKOWSKI, LLP

333 Sandy Springs Circle, Suite 200

Atlanta, GA 30328

TEL: 404-845-0012



IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA

NOAH BECK, a Minor by his Parents and )  
next Friends, Hillary Beck and Jordan Beck; )  
and HILLARY BECK, in her own right; )  
and JORDAN BECK, in his own right, )

Civil Action No. 2009EV007362C

Plaintiffs, )  
)

vs. )  
)

TENET HEALTHCARE CORPORATION; )  
d/b/a NORTH FULTON REGIONAL )  
HOSPITAL; and TENET GEORGIA, INC. )  
d/b/a NORTH FULTON REGIONAL )  
HOSPITAL; and NORTH FULTON )  
MEDICAL CENTER, INC., d/b/a NORTH )  
FULTON REGIONAL; and NORTH )  
POINTE OB/GYN ASSOCIATES, LLC; )  
and SEAN J. LAMBERT, M.D., and )  
EMILIE ROSE TOUFIGHIAN, CNM, )

Defendants. )  
)

ORDER GRANTING ADMISSION *PRO HAC VICE*  
OF KENNETH M. SUGGS

This day came Kenneth M. Suggs and presented to the Court an application for admission  
*pro hac vice*.

It is hereby ADJUDGED and ORDERED that Kenneth M. Suggs be and is hereby admitted  
to the practice of law, *pro hac vice*, for the purpose of representing Noah Beck, a Minor, by his  
Mother and Next Friend, Hillary Beck, and Hillary Beck and Jordan Beck in their own right, in the  
above proceeding.

ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Judge, State Court of Fulton County, Georgia

**IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA**

NOAH BECK, a Minor by his Parents and )	
next Friends, Hillary Beck and Jordan Beck; )	
and HILLARY BECK, in her own right; )	Civil Action No. 2009EV007362C
and JORDAN BECK, in his own right, )	
)	
Plaintiffs, )	
)	
vs. )	
)	
TENET HEALTHCARE CORPORATION; )	
d/b/a NORTH FULTON REGIONAL )	
HOSPITAL; and TENET GEORGIA, INC. )	
d/b/a NORTH FULTON REGIONAL )	
HOSPITAL; and NORTH FULTON )	
MEDICAL CENTER, INC., d/b/a NORTH )	
FULTON REGIONAL; and NORTH )	
POINTE OB/GYN ASSOCIATES, LLC; )	
and SEAN J. LAMBERT, M.D., and )	
EMILIE ROSE TOUFIGHIAN, CNM, )	
)	
Defendants. )	
)	

**MOTION FOR ADMISSION *PRO HAC VICE*  
OF GILES H. MANLEY, M.D., J.D.**

COMES NOW Jay D. Lukowski, a counsel of record in the above-referenced matter, and moves this Court that Giles H. Manley be admitted to the Bar of Fulton County, State of Georgia, *pro hac vice* for the purposes of the above-captioned matter. Giles H. Manley is a member of Janet, Jenner & Suggs, LLC, with his principal address at 1829 Reisterstown Road, Suite 320, Baltimore, Maryland, (410) 653-3200, and is a member in good standing with the Maryland Bar. Pursuant to the Rules of this Court, attached is a Certificate of Good Standing on behalf of Mr. Manley from the Court of Appeals, Maryland.

This 19<sup>th</sup> day of June, 2009

Respectfully submitted,

/s/ Jay D. Lukowski

Jay D. Lukowski

State Bar No.: 460799

KAPLAN & LUKOWSKI, LLP

333 Sandy Springs Circle, Suite 200

Atlanta, GA 30328

TEL: 404-845-0012

**IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA**

NOAH BECK, a Minor by his Parents and )  
next Friends, Hillary Beck and Jordan Beck; )  
and HILLARY BECK, in her own right; )  
and JORDAN BECK, in his own right, )

Civil Action No. 2009EV007362C

Plaintiffs, )

vs. )

TENET HEALTHCARE CORPORATION; )  
d/b/a NORTH FULTON REGIONAL )  
HOSPITAL; and TENET GEORGIA, INC. )  
d/b/a NORTH FULTON REGIONAL )  
HOSPITAL; and NORTH FULTON )  
MEDICAL CENTER, INC., d/b/a NORTH )  
FULTON REGIONAL; and NORTH )  
POINTE OB/GYN ASSOCIATES, LLC; )  
and SEAN J. LAMBERT, M.D., and )  
EMILIE ROSE TOUFIGHIAN, CNM, )

Defendants. )

**ORDER GRANTING ADMISSION *PRO HAC VICE*  
OF GILES H. MANLEY**

This day came Giles H. Manley and presented to the Court an application for admission *pro hac vice*.

It is hereby ADJUDGED and ORDERED that Giles H. Manley be and is hereby admitted to the practice of law, *pro hac vice*, for the purpose of representing Noah Beck, a Minor, by his Mother and Next Friend, Hillary Beck, and Hillary Beck and Jordan Beck in their own right, in the above proceeding.

ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Judge, State Court of Fulton County, Georgia

**IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA**

NOAH BECK, a Minor by his Parents and )  
next Friends, Hillary Beck and Jordan Beck; )  
and HILLARY BECK, in her own right; )  
and JORDAN BECK, in his own right, )

Civil Action No. 2009EV007362C

Plaintiffs, )

vs. )

TENET HEALTHCARE CORPORATION; )  
d/b/a NORTH FULTON REGIONAL )  
HOSPITAL; and TENET GEORGIA, INC. )  
d/b/a NORTH FULTON REGIONAL )  
HOSPITAL; and NORTH FULTON )  
MEDICAL CENTER, INC., d/b/a NORTH )  
FULTON REGIONAL; and NORTH )  
POINTE OB/GYN ASSOCIATES, LLC; )  
and SEAN J. LAMBERT, M.D., and )  
EMILIE ROSE TOUFIGHLIAN, CNM, )

Defendants. )

**APPLICATION FOR ADMISSION *PRO HAC VICE*  
ON BEHALF OF PLAINTIFFS FOR KENNETH M. SUGGS**

1. Home Address: 6185 East Shore Drive, Columbia, SC 29206  
Business Address: Janet, Jenner & Suggs, LLC, 500 Taylor Street, Suite 301  
Columbia, SC 29201  
TEL: 803-726-0050  
FAX: 803-727-1059
  
2. Clients: NOAH BECK, a minor by his parents and next friends, Hillary Beck  
and Jordan Beck; HILLARY BECK, in her own right; and JORDAN  
BECK, in his own right  
7440 South Blackhawk Street  
Apartment 4305  
Engelwood, CO 80112  
TEL: 770-296-9748

3. Courts to which Applicant has been admitted:
  - a. State of South Carolina (November 10, 1975)
  - b. United States District Court for the District of South Carolina (December 31, 1975)
  - c. United States District Court for the District of Columbia
  - d. Fourth Circuit Court of Appeals
  - e. Eleventh Circuit Court of Appeals
  - f. United States Supreme Court
4.
  - a. The Applicant has never been denied admission *pro hac vice* in the State of Georgia, nor has he had admission *pro hac vice* revoked in the State of Georgia.
  - b. The Applicant has never been formally disciplined or sanctioned by any court in the State of Georgia.
5. No formal written disciplinary proceeding has ever been brought against the Applicant by a disciplinary authority in any other jurisdiction within the last five (5) years.
6. The Applicant has never been held formally in contempt or otherwise sanctioned by any court in a written order in the last five (5) years for disobedience to its rules or orders.
7. Within the last two years, Applicant previously applied to appear *pro hac vice* in:
  - a. the State Court of Richmond County in Destiny Jones, by her mother and next friend, Maria Hall Jones, and Maria Hall Jones, in her own right v. Doctor's Hospital of Augusta, LLC, et al., Civil Action No. 2006-RCSC-1795. That application was made on February 18, 2008, and by Order of the Court on March 3, 2008, Applicant was admitted; and
  - b. the State Court of Fulton County in Augustus Jordan, IV, a minor by and through his mother and next friend, Sabrina Jordan v. Tenent Georgia, Inc., et al., Civil Action No. 2006EV000323-J. The application was made on May 1, 2008, and by Order of the Court on May 28, 2008, Applicant was admitted.
8. The Applicant acknowledges that he shall be subject to the jurisdiction of the courts and agencies of the State of Georgia and to the State Bar of Georgia with respect to the laws of the state governing the conduct of attorneys to the same extent as an active member of the State Bar of Georgia. Applicant avers that he is familiar with the Georgia Rules of Professional Conduct, and the local rules and court policies and procedures of this Court.
9. The Applicant's sponsors for this *pro hac vice* application are Ronald I. Kaplan (Georgia State Bar Number 407307) and Jay D. Lukowski (Georgia State Bar Number 460799) who will appear of record with Applicant. Mr. Kaplan and Mr. Lukowski are residents of Georgia

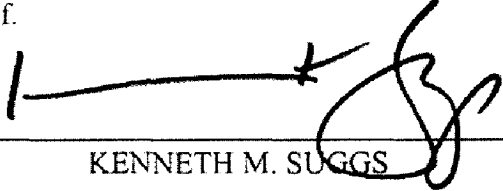
and are duly and regularly admitted to practice in the State Courts of Georgia. Mr. Kaplan and Mr. Lukowski's contact information is:

Ronald I. Kaplan  
Jay D. Lukowski  
KAPLAN & LUKOWSKI, LLP  
333 Sandy Springs Circle, Suite 200  
Atlanta, GA 30328  
TEL: 404-845-0012

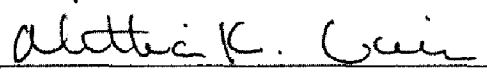
10. Applicant has been retained by Plaintiffs Hillary Beck and Jordan Beck on behalf of themselves and their minor son, Noah Beck to represent their interests in this proceeding. Plaintiffs desire that Applicant represent them because of his experience in representing victims of medical malpractice.
11. During the course of his legal career, Applicant has represented numerous clients, all over the country, who have suffered injuries and damages due to birth injuries and trauma, and due to other types of medical negligence, dangerous pharmaceuticals/prescription drugs and medical devices. Over the last 30 years Applicant and his firm have, as a result of our successes, developed a national reputation for competently handling such claims and for our trial skills. In addition to their medical and legal experience, Applicant's firm, Janet, Jenner & Suggs, LLC, has received the highest rating for ethical conduct and professional excellence offered by Martindale-Hubbard ("AV"), a U.S. peer review organization.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

I, the Applicant, swear that all statements in the application are true, correct and complete to the best of my knowledge and belief.

  
KENNETH M. SUGGS

SUBSCRIBED AND SWORN TO before me  
this 12 day of June, 2009

  
Notary Public for South Carolina  
My Commission Expires: 6/27/10

# **The Supreme Court of South Carolina**

## **Certificate of Good Standing**

I, Daniel E. Shearouse, Clerk of the Supreme Court of South Carolina, do hereby certify that Kenneth Michael Suggs was duly sworn and admitted as an attorney in this state on November 11, 1975, and is currently an active member of the South Carolina Bar.

DANIEL E. SHEAROUSE, CLERK

BY Gayle B. Watts  
DEPUTY CLERK FOR BAR ADMISSIONS

Columbia, South Carolina

April 14, 2009



**IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA**

NOAH BECK, a Minor by his Parents and )	
next Friends, Hillary Beck and Jordan Beck; )	
and HILLARY BECK, in her own right; )	Civil Action No. 2009EV007362C
and JORDAN BECK, in his own right, )	
)	
Plaintiffs, )	
)	
vs. )	
)	
TENET HEALTHCARE CORPORATION; )	
d/b/a NORTH FULTON REGIONAL )	
HOSPITAL; and TENET GEORGIA, INC. )	
d/b/a NORTH FULTON REGIONAL )	
HOSPITAL; and NORTH FULTON )	
MEDICAL CENTER, INC., d/b/a NORTH )	
FULTON REGIONAL; and NORTH )	
POINTE OB/GYN ASSOCIATES, LLC; )	
and SEAN J. LAMBERT, M.D., and )	
EMILIE ROSE TOUFIGHIAN, CNM, )	
)	
Defendants. )	
)	

**MOTION FOR ADMISSION *PRO HAC VICE*  
OF GERALD D. JOWERS, JR.**

COMES NOW Jay D. Lukowski, a counsel of record in the above-referenced matter, and moves this Court that Gerald D. Jowers, Jr. be admitted to the Bar of Fulton County, State of Georgia, *pro hac vice* for the purposes of the above-captioned matter. Gerald D. Jowers, Jr. is a member of Janet, Jenner & Suggs, LLC, with his principal address at 500 Taylor Street, Suite 301, Columbia, South Carolina 29201, (803) 726-0050, and is a member in good standing with the South Carolina Bar. Pursuant to the Rules of this Court, attached is a Certificate of Good Standing on behalf of Mr. Jowers from the highest court in South Carolina, the Supreme Court of South Carolina.

This 19<sup>th</sup> day of June, 2009

Respectfully submitted,

/s/ Jay D. Lukowski

Jay D. Lukowski

State Bar No.: 460799

KAPLAN & LUKOWSKI, LLP

333 Sandy Springs Circle, Suite 200

Atlanta, GA 30328

TEL: 404-845-0012

IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA

NOAH BECK, a Minor by his Parents and )  
next Friends, Hillary Beck and Jordan Beck; )  
and HILLARY BECK, in her own right; )  
and JORDAN BECK, in his own right, )

Civil Action No. 2009EV007362C

Plaintiffs, )  
)

vs. )  
)

TENET HEALTHCARE CORPORATION; )  
d/b/a NORTH FULTON REGIONAL )  
HOSPITAL; and TENET GEORGIA, INC. )  
d/b/a NORTH FULTON REGIONAL )  
HOSPITAL; and NORTH FULTON )  
MEDICAL CENTER, INC., d/b/a NORTH )  
FULTON REGIONAL; and NORTH )  
POINTE OB/GYN ASSOCIATES, LLC; )  
and SEAN J. LAMBERT, M.D., and )  
EMILIE ROSE TOUFIGHIAN, CNM, )

Defendants. )  
\_\_\_\_\_ )

ORDER GRANTING ADMISSION *PRO HAC VICE*  
OF GERALD D. JOWERS, JR.

This day came Gerald D. Jowers, Jr. and presented to the Court an application for admission  
*pro hac vice*.

It is hereby ADJUDGED and ORDERED that Gerald D. Jowers, Jr. be and is hereby  
admitted to the practice of law, *pro hac vice*, for the purpose of representing Noah Beck, a Minor,  
by his Mother and Next Friend, Hillary Beck, and Hillary Beck and Jordan Beck in their own right,  
in the above proceeding.

ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Judge, State Court of Fulton County, Georgia

\*\*\***EFILED**\*\*\*

LexisNexis Transaction ID: 25745364

Date: Jun 19 2009 4:30PM

Mark Harper, Clerk

**IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA**

NOAH BECK, a Minor by his Parents and )	
next Friends, Hillary Beck and Jordan Beck; )	
and HILLARY BECK, in her own right; )	Civil Action No. 2009EV007362C
and JORDAN BECK, in his own right, )	
)	
Plaintiffs, )	
)	
vs. )	
)	
TENET HEALTHCARE CORPORATION; )	
d/b/a NORTH FULTON REGIONAL )	
HOSPITAL; and TENET GEORGIA, INC. )	
d/b/a NORTH FULTON REGIONAL )	
HOSPITAL; and NORTH FULTON )	
MEDICAL CENTER, INC., d/b/a NORTH )	
FULTON REGIONAL; and NORTH )	
POINTE OB/GYN ASSOCIATES, LLC; )	
and SEAN J. LAMBERT, M.D., and )	
EMILIE ROSE TOUFIGHIAN, CNM, )	
)	
Defendants. )	
)	

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**MOTION FOR ADMISSION *PRO HAC VICE*  
OF FRANCIS M. HINSON, IV**

COMES NOW Jay D. Lukowski, a counsel of record in the above-referenced matter, and moves this Court that Francis M. Hinson, IV be admitted to the Bar of Fulton County, State of Georgia, *pro hac vice* for the purposes of the above-captioned matter. Francis M. Hinson, IV is a member of Janet, Jenner & Suggs, LLC, with his principal address at 500 Taylor Street, Suite 301, Columbia, South Carolina 29201, (803) 726-0050, and is a member in good standing with the South Carolina Bar. Pursuant to the Rules of this Court, attached is a Certificate of Good Standing on behalf of Mr. Hinson from the highest court in South Carolina, the Supreme Court of South Carolina.

This 19<sup>th</sup> day of June, 2009

Respectfully submitted,

/s/ Jay D. Lukowski

Jay D. Lukowski

State Bar no.: 460799

KAPLAN & LUKOWSKI, LLP

333 Sandy Springs Circle, Suite 200

Atlanta, GA 30328

TEL: 404-845-0012

**IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA**

NOAH BECK, a Minor by his Parents and )  
next Friends, Hillary Beck and Jordan Beck; )  
and HILLARY BECK, in her own right; )  
and JORDAN BECK, in his own right, )

Civil Action No. 2009EV007362C

Plaintiffs, )

vs. )

TENET HEALTHCARE CORPORATION; )  
d/b/a NORTH FULTON REGIONAL )  
HOSPITAL; and TENET GEORGIA, INC. )  
d/b/a NORTH FULTON REGIONAL )  
HOSPITAL; and NORTH FULTON )  
MEDICAL CENTER, INC., d/b/a NORTH )  
FULTON REGIONAL; and NORTH )  
POINTE OB/GYN ASSOCIATES, LLC; )  
and SEAN J. LAMBERT, M.D., and )  
EMILIE ROSE TOUFIGHIAN, CNM, )

Defendants. )

**ORDER GRANTING ADMISSION *PRO HAC VICE*  
OF FRANCIS M. HINSON, IV**

This day came Francis M. Hinson, IV and presented to the Court an application for admission *pro hac vice*.

It is hereby ADJUDGED and ORDERED that Francis M. Hinson, IV be and is hereby admitted to the practice of law, *pro hac vice*, for the purpose of representing Noah Beck, a Minor, by his Mother and Next Friend, Hillary Beck, and Hillary Beck and Jordan Beck in their own right, in the above proceeding.

ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Judge, State Court of Fulton County, Georgia

**IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA**

NOAH BECK, a Minor by his Parents and )  
next Friends, Hillary Beck and Jordan Beck; )  
and HILLARY BECK, in her own right; )  
and JORDAN BECK, in his own right, )

Civil Action No. 2009EV007362C

Plaintiffs, )

vs. )

TENET HEALTHCARE CORPORATION; )  
d/b/a NORTH FULTON REGIONAL )  
HOSPITAL; and TENET GEORGIA, INC. )  
d/b/a NORTH FULTON REGIONAL )  
HOSPITAL; and NORTH FULTON )  
MEDICAL CENTER, INC., d/b/a NORTH )  
FULTON REGIONAL; and NORTH )  
POINTE OB/GYN ASSOCIATES, LLC; )  
and SEAN J. LAMBERT, M.D., and )  
EMILIE ROSE TOUFIGHIAN, CNM, )

Defendants. )

**APPLICATION FOR ADMISSION *PRO HAC VICE*  
ON BEHALF OF PLAINTIFFS FOR GILES H. MANLEY, M.D., J.D.**

1. Home Address: 25 Chiara Court, Towson, MD 21204  
Business Address: Janet, Jenner & Suggs, LLC, 1829 Reisterstown Road, Suite 320  
Baltimore, MD 21208  
TEL: 410-653-3200  
FAX: 410-653-9030
  
2. Clients: NOAH BECK, a minor by his parents and next friends, Hillary Beck  
and Jordan Beck; HILLARY BECK, in her own right; and JORDAN  
BECK, in his own right  
7440 South Blackhawk Street  
Apartment 4305  
Engelwood, CO 80112  
TEL: 770-296-9748

3. Courts to which Applicant has been admitted:
  - a. State of Maryland (June 14, 2005)
4.
  - a. The Applicant has never been denied admission *pro hac vice* in the State of Georgia, nor has he had admission *pro hac vice* revoked in the State of Georgia.
  - b. The Applicant has never been formally disciplined or sanctioned by any court in the State of Georgia.
5. No formal written disciplinary proceeding has ever been brought against the Applicant by a disciplinary authority in any other jurisdiction within the last five (5) years.
6. The Applicant has never been held formally in contempt or otherwise sanctioned by any court in a written order in the last five (5) years for disobedience to its rules or orders.
7. Within the last two years, Applicant previously applied to appear *pro hac vice* in:
  - a. the State Court of Richmond County in Destiny Jones, by her mother and next friend, Maria Hall Jones, and Maria Hall Jones, in her own right v. Doctor's Hospital of Augusta, LLC, et al., Civil Action No. 2006-RCSC-1795. That application is pending.
8. The Applicant acknowledges that he shall be subject to the jurisdiction of the courts and agencies of the State of Georgia and to the State Bar of Georgia with respect to the laws of the state governing the conduct of attorneys to the same extent as an active member of the State Bar of Georgia. Applicant avers that he is familiar with the Georgia Rules of Professional Conduct, and the local rules and court policies and procedures of this Court.
9. The Applicant's sponsors for this *pro hac vice* application are Ronald I. Kaplan (Georgia State Bar Number 407307) and Jay D. Lukowski (Georgia State Bar Number 460799) who will appear of record with Applicant. Mr. Kaplan and Mr. Lukowski are residents of Georgia and are duly and regularly admitted to practice in the State Courts of Georgia. Mr. Kaplan and Mr. Lukowski's contact information is:

Ronald I. Kaplan  
Jay D. Lukowski  
KAPLAN & LUKOWSKI, LLP  
333 Sandy Springs Circle, Suite 200  
Atlanta, GA 30328  
TEL: 404-845-0012
10. Applicant has been retained by Plaintiffs Hillary Beck and Jordan Beck on behalf of



themselves and their minor son, Noah Beck to represent their interests in this proceeding. Plaintiffs desire that Applicant represent them because of his medical experience and his experience in representing victims of medical malpractice.


11. Applicant is a board-certified obstetrician-gynecologist who practiced in that field for twenty years prior to becoming an attorney. Applicant's firm, Janet, Jenner & Suggs, LLC, regularly represents victims of medical malpractice on a national basis. In addition to their medical and legal experience, Janet, Jenner & Suggs, LLC, has received the highest rating for ethical conduct and professional excellence offered by Martindale-Hubbard ("AV"), a U.S. peer review organization.

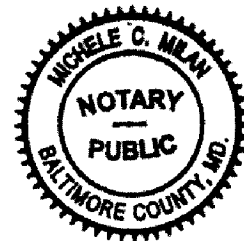
STATE OF MARYLAND           )  
  )  
COUNTY OF BALTIMORE    )

I, the Applicant, swear that all statements in the application are true, correct and complete to the best of my knowledge and belief.

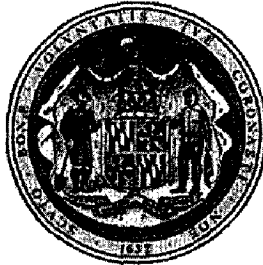
  
\_\_\_\_\_  
GILES H. MANLEY, M.D., J.D.

SUBSCRIBED AND SWORN TO before me  
this 11<sup>th</sup> day of June, 2009

  
\_\_\_\_\_  
Notary Public for Maryland  
My Commission Expires: 11/01/10



**Court of Appeals  
of Maryland  
Annapolis, MD**



***CERTIFICATE OF GOOD STANDING***

**STATE OF MARYLAND, ss:**

*I, Bessie M. Decker, Clerk of the Court of Appeals of Maryland,  
do hereby certify that on the fourteenth day of June, 2005,*

**Giles Harrison Manley**

*having first taken and subscribed the oath prescribed by the Constitution and  
Laws of this State, was admitted as an attorney of said Court, is now in good  
standing, and as such is entitled to practice law in any of the Courts of said  
State, subject to the Rules of Court.*

*In Testimony Whereof, I have hereunto  
set my hand as Clerk, and affixed the Seal  
of the Court of Appeals of Maryland, this  
fifth day of June, 2009.*

*Bessie M. Decker*

*Clerk of the Court of Appeals of Maryland*

**IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA**

NOAH BECK, a Minor by his Parents and )  
next Friends, Hillary Beck and Jordan Beck; )  
and HILLARY BECK, in her own right; ) Civil Action No. 2009EV007362C  
and JORDAN BECK, in his own right, )  
)  
Plaintiffs, )  
)  
vs. )  
)  
TENET HEALTHCARE CORPORATION; )  
d/b/a NORTH FULTON REGIONAL )  
HOSPITAL; and TENET GEORGIA, INC. )  
d/b/a NORTH FULTON REGIONAL )  
HOSPITAL; and NORTH FULTON )  
MEDICAL CENTER, INC., d/b/a NORTH )  
FULTON REGIONAL; and NORTH )  
POINTE OB/GYN ASSOCIATES, LLC; )  
and SEAN J. LAMBERT, M.D., and )  
EMILIE ROSE TOUFIGHIAN, CNM, )  
)  
Defendants. )  
\_\_\_\_\_ )

**APPLICATION FOR ADMISSION PRO HAC VICE  
ON BEHALF OF PLAINTIFFS FOR FRANCIS M. HINSON, IV**

1. Home Address: 417 C Avenue, West Columbia, SC 29169  
Business Address: Janet, Jenner & Suggs, LLC, 500 Taylor Street, Suite 301  
Columbia, SC 29201  
TEL: 803-726-0050  
FAX: 803-727-1059
2. Clients: NOAH BECK, a minor by his parents and next friends, Hillary Beck  
and Jordan Beck; HILLARY BECK, in her own right; and JORDAN  
BECK, in his own right  
7440 South Blackhawk Street  
Apartment 4305  
Engelwood, CO 80112  
TEL: 770-296-9748

3. Courts to which Applicant has been admitted:
  - a. State of South Carolina (November 13, 2006)
  - b. United States District Court for the District of South Carolina (August 30, 2007)
4.
  - a. The Applicant has never been denied admission *pro hac vice* in the State of Georgia, nor has he had admission *pro hac vice* revoked in the State of Georgia.
  - b. The Applicant has never been formally disciplined or sanctioned by any court in the State of Georgia.
5. No formal written disciplinary proceeding has ever been brought against the Applicant by a disciplinary authority in any other jurisdiction within the last five (5) years.
6. The Applicant has never been held formally in contempt or otherwise sanctioned by any court in a written order in the last five (5) years for disobedience to its rules or orders.
7. Within the last two years, Applicant previously applied to appear *pro hac vice* in:
  - a. The State court of DeKalb County in Jontavious Jacquez Burdett, a minor, by his parents and next friends Crystal N. Perdue-Burdett and Will Burdett v. Alvin Lamar Sermons, M.D., and Fictitious Defendants Numbers One Through Five, Civil Action No. 05A-40788-5. That application was made on March 5, 2008, and by Order of the Court on March 24, 2008, Applicant was admitted.
  - b. the State Court of Richmond County in Destiny Jones, by her mother and next friend, Maria Hall Jones, and Maria Hall Jones, in her own right v. Doctor's Hospital of Augusta, LLC, et al., Civil Action No. 2006-RCSC-1795. As of this date, this application is pending.
  - c. The State Court of Fulton County in Augustus Jordan, IV, a minor by and through his mother and next friend, Sabrinia Jordan v. Tenet Georgia, Inc., et al., Civil Action No. 2006EV000323-J. As of this date, this application is still pending.
8. The Applicant acknowledges that he shall be subject to the jurisdiction of the courts and agencies of the State of Georgia and to the State Bar of Georgia with respect to the laws of the state governing the conduct of attorneys to the same extent as an active member of the State Bar of Georgia. Applicant avers that he is familiar with the Georgia Rules of Professional Conduct, and the local rules and court policies and procedures of this Court.
9. The Applicant's sponsors for this *pro hac vice* application are Ronald I. Kaplan (Georgia State Bar Number 407307) and Jay D. Lukowski (Georgia State Bar Number 460799) who will appear of record with Applicant. Mr. Kaplan and Mr. Lukowski are residents of Georgia

and are duly and regularly admitted to practice in the State Courts of Georgia. Mr. Kaplan and Mr. Lukowski's contact information is:

Ronald I. Kaplan  
Jay D. Lukowski  
KAPLAN & LUKOWSKI, LLP  
333 Sandy Springs Circle, Suite 200  
Atlanta, GA 30328  
TEL: 404-845-0012


10. Applicant has been retained by Plaintiffs Hillary Beck and Jordan Beck on behalf of themselves and their minor son, Noah Beck to represent their interests in this proceeding. Plaintiffs desire that Applicant represent them because of his experience in representing victims of medical malpractice.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

I, the Applicant, swear that all statements in the application are true, correct and complete to the best of my knowledge and belief.

  
FRANCIS M. HINSON, IV

SUBSCRIBED AND SWORN TO before me  
this 15 day of June, 2009

  
Notary Public for South Carolina  
My Commission Expires: 6/27/10

# **The Supreme Court of South Carolina**

## **Certificate of Good Standing**

I, Daniel E. Shearouse, Clerk of the Supreme Court of South Carolina, do hereby certify that Francis M. Hinson, IV, was duly sworn and admitted as an attorney in this state on November 13, 2006, and is currently an active member of the South Carolina Bar.

DANIEL E. SHEAROUSE, CLERK

BY Gayle B. Watt  
DEPUTY CLERK FOR BAR ADMISSIONS

Columbia, South Carolina

May 20, 2009

\*\*\***FILED**\*\*\*

LexisNexis Transaction ID: 25745364

Date: Jun 19 2009 4:30PM

Mark Harper, Clerk

**IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA**

NOAH BECK, a Minor by his Parents and )	
next Friends, Hillary Beck and Jordan Beck; )	
and HILLARY BECK, in her own right; )	Civil Action No. 2009EV007362C
and JORDAN BECK, in his own right, )	
)	
Plaintiffs, )	
)	
vs. )	
)	
TENET HEALTHCARE CORPORATION; )	
d/b/a NORTH FULTON REGIONAL )	
HOSPITAL; and TENET GEORGIA, INC. )	
d/b/a NORTH FULTON REGIONAL )	
HOSPITAL; and NORTH FULTON )	
MEDICAL CENTER, INC., d/b/a NORTH )	
FULTON REGIONAL; and NORTH )	
POINTE OB/GYN ASSOCIATES, LLC; )	
and SEAN J. LAMBERT, M.D., and )	
EMILIE ROSE TOUFIGHIAN, CNM, )	
)	
Defendants. )	
)	

**APPLICATION FOR ADMISSION *PRO HAC VICE*  
ON BEHALF OF PLAINTIFFS FOR GERALD D. JOWERS, JR.**

1. Home Address: 2507 Canterbury Road, Columbia, SC 29204  
Business Address: Janet, Jenner & Suggs, LLC, 500 Taylor Street, Suite 301  
Columbia, SC 29201  
TEL: 803-726-0050  
FAX: 803-727-1059
  
2. Clients: NOAH BECK, a minor by his parents and next friends, Hillary Beck  
and Jordan Beck; HILLARY BECK, in her own right; and JORDAN  
BECK, in his own right  
7440 South Blackhawk Street  
Apartment 4305  
Engelwood, CO 80112  
TEL: 770-296-9748

3. Courts to which Applicant has been admitted:
  - a. State of South Carolina (November 2001)
4.
  - a. The Applicant has never been denied admission *pro hac vice* in the State of Georgia, nor has he had admission *pro hac vice* revoked in the State of Georgia.
  - b. The Applicant has never been formally disciplined or sanctioned by any court in the State of Georgia.
5. No formal written disciplinary proceeding has ever been brought against the Applicant by a disciplinary authority in any other jurisdiction within the last five (5) years.
6. The Applicant has never been held formally in contempt or otherwise sanctioned by any court in a written order in the last five (5) years for disobedience to its rules or orders.
7. Within the last two years, Applicant previously applied to appear *pro hac vice* in:
  - a. The State court of DeKalb County in Jontavious Jacquez Burdett, a minor, by his parents and next friends Crystal N. Perdue-Burdett and Will Burdett v. Alvin Lamar Sermons, M.D., and Fictitious Defendants Numbers One Through Five, Civil Action No. 05A-40788-5. That application was made on March 5, 2008, and by Order of the Court on March 24, 2008, Applicant was admitted.
  - b. The State Court of Fulton County in Augustus Jordan, IV, a minor by and through his mother and next friend, Sabrinia Jordan v. Tenet Georgia, Inc., et al., Civil Action No. 2006EV000323-J. That application was made on May 1, 2008, and by Order of the Court on May 28, 2008, Applicant was admitted.
  - c. The State Court of Richmond County in Destiny Jones, by her mother and next friend, Maria Hall Jones, and Maria Hall Jones, in her own right v. Doctor's Hospital of Augusta, LLC, et al., Civil Action No. 2006-RCSC-1795. As of this date, this application is pending.
8. The Applicant acknowledges that he shall be subject to the jurisdiction of the courts and agencies of the State of Georgia and to the State Bar of Georgia with respect to the laws of the state governing the conduct of attorneys to the same extent as an active member of the State Bar of Georgia. Applicant avers that he is familiar with the Georgia Rules of Professional Conduct, and the local rules and court policies and procedures of this Court.
9. The Applicant's sponsors for this *pro hac vice* application are Ronald I. Kaplan (Georgia State Bar Number 407307) and Jay D. Lukowski (Georgia State Bar Number 460799) who




will appear of record with Applicant. Mr. Kaplan and Mr. Lukowski are residents of Georgia and are duly and regularly admitted to practice in the State Courts of Georgia. Mr. Kaplan and Mr. Lukowski's contact information is:

Ronald I. Kaplan  
Jay D. Lukowski  
KAPLAN & LUKOWSKI, LLP  
333 Sandy Springs Circle, Suite 200  
Atlanta, GA 30328  
TEL: 404-845-0012


10. Applicant has been retained by Plaintiffs Hillary Beck and Jordan Beck on behalf of themselves and their minor son, Noah Beck to represent their interests in this proceeding. Plaintiffs desire that Applicant represent them because of his experience in representing victims of medical malpractice.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

I, the Applicant, swear that all statements in the application are true, correct and complete to the best of my knowledge and belief.

  
GERALD D. JOWERS, JR.

SUBSCRIBED AND SWORN TO before me  
this 12 day of June, 2009

  
Notary Public for South Carolina  
My Commission Expires: 6/27/10

# **The Supreme Court of South Carolina**

## **Certificate of Good Standing**

I, Daniel E. Shearouse, Clerk of the Supreme Court of South Carolina, do hereby certify that Gerald D. Jowers, Jr., was duly sworn and admitted as an attorney in this state on November 13, 2001, and is currently an active member of the South Carolina Bar.

DANIEL E. SHEAROUSE, CLERK

BY Gayle B. Watts  
DEPUTY CLERK FOR BAR ADMISSIONS

Columbia, South Carolina

April 14, 2009